

Permitting & Assistance Branch Staff Report
Revised Solid Waste Facilities Permit for the
Forward Resource Recovery
SWIS No. 39-AA-0020
January 20, 2015

Background Information, Analysis, and Findings:

This report was developed in response to the San Joaquin County Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the Forward Resource Recovery Facility (RRF), SWIS No. 39-AA-0020, located in San Joaquin County and owned and operated by Forward Inc. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on December 11, 2014 and an amended proposed permit was received on January 20, 2015. Action must be taken on this permit no later than March 21, 2015. If no action is taken by March 21, 2015, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Changes

The following changes to the first page of the permit are being proposed:

	Current Permit (2004)	Proposed Permit
Permitted Maximum Tonnage	4180 tons per day	46,080 Tons per Week (Not to exceed 8,668 tons per day Landfill and RRF combined)

Other Changes include: Updated authorizing documents, clarifies prohibitions, changes to self-monitoring requirements, and updated conditions to maintain consistency with landfill conditions.

Key Issues

The proposed permit will allow for the following:

1. A combined 46,080 tons per week 8,668 tons per day for the adjacent landfill and RRF, consistent with language in the Forward Landfill SWFP, SWIS No. 39-AA-0015.
2. The combined tonnage figure for these two facilities was previously reviewed and allowed in the revised SWFP issued to Forward Landfill in June 2003.

Background:

The Forward Resource Recovery Facility is an existing transfer/processing and composting facility adjacent to the associated Forward Landfill. The proposed revised SWFP will clarify the permitted maximum volume of material allowed. This will make the permit language consistent with the landfill permitted tonnage figures.

Findings:

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated November 25, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on February 18, 2014. The LEA provided a copy to the Department on February 26, 2014. The changes identified in the review are reflected in this permit revision.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on December 11, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on December 11, 2014, provided a finding in the proposed permit that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Non Disposal Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated December 16, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on November 14, 2014. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on December 11, 2014, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on October 13, 2014. Oral comments were addressed by LEA staff. Written comments were received by LEA and the LEA responded in writing. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on November 14, 2014, and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Below are the details of the facility's compliance history based on the LEA's monthly inspection reports for the last five years:

- 2011 to 2014 - No violations were noted
- 2010 (March) - One violation of 14 CCR §17867.5 – Personnel Training
- 2009 - No violations were noted

The violation was corrected to the satisfaction of the LEA.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the San Joaquin County Development Department acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include: clarifying maximum permitted tonnage to be consistent with associated Forward Landfill operating under a separate permit. These changes are supported by the following environmental document.

An Environmental Impact Report (EIR), State Clearinghouse No. 2001052081, was circulated for a 45 day comment period from September 4, 2002, to October 18, 2002. The EIR identified significant and unavoidable impacts to noise, air emissions, aesthetics, and soils and geology. The Final EIR, together with the Statement of Overriding Considerations, was certified by the Lead Agency on February 6, 2003.

The Lead Agency determined that the project benefits outweigh the adverse environmental impacts. The benefits from the project, as found by the Lead Agency, included:

Continues operation of the existing landfill rather than constructing a new disposal site, most of the project impacts reduced to less than significant with mitigation measures, aids in compliance with AB 939, supports the County Integrated Waste Management Plan, there are no feasible less damaging alternatives, there are no other feasible mitigation measures, allows for continued use of needed disposal facilities, increases environmental controls at existing and permitted landfills, consolidates two existing landfills into one, allows continuation of efficient and environmentally safe facility, and allows for continuation of local employment.

Department staff further recommends the Final Environmental Impact Report, with all other CEQA documents adopted by the LEA is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The San Joaquin County Environmental Health Department has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental documents.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the Final Environmental Impact Report as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the Final Environmental Impact Report adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on October 13, 2014, at the LEA's office in the City of Stockton. A representative of Clean San Joaquin commented on the loss of agricultural land, overall impacts of the Forward Landfill and landfill closure concerns. The LEA stated their concerns were taken into consideration and conditions in the permit and descriptions in the RFI were being included to address litter and odors as appropriate at the Transfer/Composting site.

The following summarizes written comments received by the LEA and their responses:

- September 24, 2014, letter from Ms. Impett raised concerns with the elimination of the large dead animal prohibition, noticing and the RFI changes. The LEA replaced the prohibition in the permit, described noticing actions and provided an electronic copy of the RFI.
- October 8, 2014, letter from Shute, Mihaly and Weinberger representing Clean San Joaquin concerns with odors, load rejections, removal of residuals and tarped vehicles. The LEA explained a change to the litter inspections and requirements for tarping and clarified waste removal frequencies.
- November 25, 2014, letter, from Diane Boudreaux on behalf of Clean San Joaquin seeks denial of permit and closure of the landfill. LEA explained the landfill is not part of this permit action and the landfill has undergone some partial closure activities.
- November 25, 2014, letter from San Joaquin Farm Bureau concerning impacts to farmland and the tonnage increase leading to traffic increases. LEA replied these were allowed and not currently near the maximum.
- December 8 -12, 2014, email correspondence from Ms. Impett regarding 72 hour allowance prior to grinding. The LEA responded that it is consistent with APCD permit to operate and in practice is usually less than 48 hours before material is processed.

No comments were received by Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on January 20, 2015.